

ASSEMBLY BILL

No. 397

Introduced by Assembly Member Jeffries

February 23, 2009

An act to amend Section 40402 of, to amend and repeal Sections 40420, 40421.5, and 40422 of, and to add Section 40421 to, the Health and Safety Code, relating to the South Coast Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

AB 397, as introduced, Jeffries. South Coast Air Quality Management District: election of board members.

The Lewis-Presley Air Quality Management Act establishes the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the South Coast Air Basin as the local agency with the responsibility for comprehensive air pollution control within the basin. The act requires the south coast district to be governed by a district board consisting of 13 appointed members.

This bill would require the members of the south coast district governing board to be elected by divisions commencing with the 2012 general election. By imposing new duties on local officials in establishing new electoral divisions and conducting elections, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40402 of the Health and Safety Code is
2 amended to read:

3 40402. The Legislature finds and declares all of the following:

4 (a) ~~That the~~The South Coast Air Basin is a geographical entity
5 not reflected by political boundaries.

6 (b) ~~That the~~The basin is acknowledged to have critical air
7 pollution problems caused by the operation of millions of motor
8 vehicles in the basin, stationary sources of pollution, frequent
9 atmospheric inversions that trap aerial contaminants, and the large
10 amount of sunshine that transforms vehicular and nonvehicular
11 emissions into a variety of deleterious chemicals.

12 (c) ~~That these~~These critical air pollution problems are most
13 acute in the foothill communities of the San Gabriel/Pomona
14 Valleys and the Riverside/San Bernardino areas, where pollutants
15 ~~which that~~ originate in other parts of the basin are trapped by
16 geographical and meteorological conditions characteristic of these
17 areas.

18 (d) ~~That the~~The state and federal governments have promulgated
19 ambient air quality standards for the protection of public health,
20 and it is in the public interest that those standards not be exceeded.

21 (e) ~~That, in~~In order to achieve and maintain air quality within
22 the ambient air quality standards, a comprehensive basinwide air
23 quality management plan must be developed and implemented to
24 provide for the rapid abatement of existing emission levels to levels
25 ~~which that~~ will result in the achievement and maintenance of the
26 state and federal ambient air quality standards and to ensure that
27 new sources of emissions are planned and operated so as to be
28 consistent with the basin's air quality goals.

29 (f) ~~That, in~~In recognition of the fact that some regions within
30 the basin face more critical air pollution problems than others, it
31 is necessary for the basinwide air quality management plan to
32 consider the specific air pollution problems of regions within the

1 air basin in planning for facilities ~~which~~ *that* create new sources
2 of emissions.

3 (g) ~~That, in~~ *In* order to successfully develop and implement a
4 meaningful strategy for achieving and maintaining ambient air
5 quality standards, local governments in the South Coast Air Basin
6 must be delegated additional authority from the state in the control
7 of vehicular sources and must retain existing authority to set
8 stringent emission standards for nonvehicular sources.

9 (h) ~~That, in~~ *In* order to successfully implement a comprehensive
10 program for the achievement and maintenance of state and federal
11 ambient air quality standards in the South Coast Air Basin, the
12 responsibilities of local and regional authorities with respect to air
13 pollution control and air quality management plan adoption must
14 be fully integrated into an agency with basinwide authority, ~~largely~~
15 ~~to be governed by representatives of county and city governments.~~

16 SEC. 2. Section 40420 of the Health and Safety Code is
17 amended to read:

18 40420. (a) The south coast district shall be governed by a
19 district board consisting of 13 members appointed as follows:

20 (1) One member appointed by the Governor, with the advice
21 and consent of the Senate.

22 (2) One member appointed by the Senate Committee on Rules.

23 (3) One member appointed by the Speaker of the Assembly.

24 (4) Four members appointed by the boards of supervisors of the
25 counties in the south coast district. Each board of supervisors shall
26 appoint one of these members, who shall be one of the following:

27 (A) A member of the board of supervisors of the county making
28 the appointment.

29 (B) A mayor or member of a city council from a city in the
30 portion of the county making the appointment that is included in
31 the south coast district.

32 (5) Three members appointed by cities in the south coast district.
33 The city selection committee of Orange, Riverside, and San
34 Bernardino Counties shall each appoint one of these members,
35 who shall be either a mayor or a member of the city council of a
36 city in the portion of the county included in the south coast district.

37 (6) A member appointed by the cities of the western region of
38 Los Angeles County, consisting of the Cities of Agoura Hills,
39 Artesia, Avalon, Bell, Bellflower, Bell Gardens, Beverly Hills,
40 Calabasas, Carson, Cerritos, Commerce, Compton, Cudahy, Culver

1 City, Downey, El Segundo, Gardena, Hawaiian Gardens,
2 Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park,
3 Inglewood, La Habra Heights, La Mirada, Lakewood, Lawndale,
4 Lomita, Long Beach, Lynwood, Malibu, Manhattan Beach,
5 Maywood, Montebello, Norwalk, Palos Verdes Estates, Paramount,
6 Pico Rivera, Rancho Palos Verdes, Redondo Beach, Rolling Hills,
7 Rolling Hills Estates, Santa Fe Springs, Santa Monica, Signal Hill,
8 South Gate, Torrance, Vernon, West Hollywood, Westlake Village,
9 and Whittier. These cities shall organize as a city selection
10 committee for the purposes of subdivision (f), and shall be known
11 as the city selection committee of the western region of Los
12 Angeles County. The member appointed shall be either a mayor
13 or a member of the city council of a city in the western region.

14 (7) A member appointed by the cities of the eastern region of
15 Los Angeles County, consisting of the cities in Los Angeles County
16 that are not listed in paragraph (6) or (8), and excluding the Cities
17 of Lancaster, Los Angeles, and Palmdale. These cities shall
18 organize as a city selection committee for the purposes of
19 subdivision (f), and shall be known as the city selection committee
20 of the eastern region of Los Angeles County. The member
21 appointed shall be either a mayor or a member of the city council
22 of a city in the eastern region.

23 (8) A member appointed by the Mayor of the City of Los
24 Angeles from among the members of the Los Angeles City
25 Council.

26 (b) All members shall be appointed on the basis of their
27 demonstrated interest and proven ability in the field of air pollution
28 control and their understanding of the needs of the general public
29 in connection with air pollution problems of the South Coast Air
30 Basin.

31 (c) The member appointed by the Governor shall be either a
32 physician who has training and experience in the health effects of
33 air pollution, an environmental engineer, a chemist, a
34 meteorologist, or a specialist in air pollution control.

35 (d) Each member shall be appointed on the basis of his or her
36 ability to attend substantially all meetings of the south coast district
37 board, to discharge all duties and responsibilities of a member of
38 the south coast district board on a regular basis, and to participate
39 actively in the affairs of the south coast district. No member may
40 designate an alternate for any purpose or otherwise be represented

1 by another in his or her capacity as a member of the south coast
2 district board.

3 (e) Each appointment by a board of supervisors shall be
4 considered and acted on at a duly noticed, regularly scheduled
5 hearing of the board of supervisors, ~~which~~ *that* shall provide an
6 opportunity for testimony on the qualifications of the candidates
7 for appointment.

8 (f) The appointments by cities in the south coast district shall
9 be considered and acted on at a duly noticed meeting of the city
10 selection committee, which shall meet in a government building
11 and provide an opportunity for testimony on the qualifications of
12 the candidates for appointment. Each appointment shall be made
13 by not less than a majority of all the cities in the portion of the
14 county included in the south coast district having not less than a
15 majority of the population of all the cities in the portion of the
16 county included in the south coast district. Population shall be
17 determined on the basis of the most recent verifiable census data
18 developed by the Department of Finance. Persons residing in
19 unincorporated areas or areas of a county outside the south coast
20 district shall not be considered for the purposes of this subdivision.

21 (g) The members appointed by the Senate Committee on Rules
22 and the Speaker of the Assembly shall have one or more of the
23 qualifications specified in subdivision (c) or shall be a public
24 member. None of those appointed members may be a locally
25 elected official.

26 (h) All members shall be residents of the district.

27 (i) (1) The member who was serving on the district board as
28 of June 1, 2007, who had been appointed to represent the eastern
29 region of Los Angeles County shall be deemed on January 1, 2008,
30 to be the member appointed to represent the western region of Los
31 Angeles County pursuant to paragraph (6) of subdivision (a) and
32 shall serve from January 1, 2008, until the end of the term of office
33 for the member who had been appointed to represent the western
34 region of Los Angeles County. At the end of that term, the city
35 selection committee of the western region of Los Angeles County
36 shall make an appointment pursuant to paragraph (6) of subdivision
37 (a).

38 (2) The member who was serving on the district board as of
39 June 1, 2007, who had been appointed to represent the western
40 region of Los Angeles County shall be deemed on January 1, 2008,

1 to be the member appointed pursuant to paragraph (8) of
2 subdivision (a) until the end of that member's term. At the end of
3 that term, the Mayor of the City of Los Angeles shall make an
4 appointment pursuant to paragraph (8) of subdivision (a).

5 (3) On or after January 1, 2008, the city selection committee of
6 the eastern region of Los Angeles County shall convene promptly
7 to make an appointment pursuant to paragraph (7) of subdivision
8 (a).

9 *(j) This section shall become inoperative on December 4, 2012,*
10 *and, as of January 1, 2013, is repealed, unless a later enacted*
11 *statute, that becomes operative on or before January 1, 2013,*
12 *deletes or extends the dates on which it becomes inoperative and*
13 *is repealed.*

14 SEC. 3. Section 40421 is added to the Health and Safety Code,
15 to read:

16 40421. (a) Beginning on December 4, 2012, the south coast
17 district shall be governed by a district board consisting of 13
18 members by and from individual divisions. Each member shall be
19 a resident of the division from which the member is elected. A
20 member shall not designate an alternate for any purpose or
21 otherwise be represented by another person in his or her capacity
22 as a member of the south coast district board.

23 (b) Elections to elect a district board member for each division
24 shall be held commencing with the election on November 6, 2012.
25 Members elected on November 6, 2012, shall take office on
26 December 4, 2012.

27 (c) A person shall not vote at any district election unless the
28 person resides in the division of the district in which the person
29 casts a vote.

30 (d) Each member of the board shall serve a term of four years.
31 For members elected on November 6, 2012, the elected district
32 board members shall select six board members by lot whose initial
33 term shall be for two years.

34 (f) the Candidate that receives the highest number of votes cast
35 for the position of board member for a division shall be elected as
36 board member for that division.

37 (g) Candidates shall declare their candidacy and shall be
38 nominated, election returns shall be canvassed, the election shall
39 be held and conducted, the results shall be declared, and the
40 certificates of election shall be issued, in the same manner as the

1 declaration of candidacy, nomination, election, canvassing of
2 returns, declaration of results, and issuance of certificates of
3 election are made, declared, held, and conducted, and issued, under
4 the Uniform District Election Law (Part 4 (commencing with
5 Section 10500) of Division 10 of the Elections Code). Except as
6 otherwise provided in this chapter, the provisions of the Elections
7 Code apply to south coast district elections.

8 (h) The district board shall by January 1, 2012 divide the
9 territorial boundaries under the jurisdiction of the south coast
10 district into 13 divisions, with substantially equal populations. The
11 district board shall utilize the population data from the federal
12 2010 census in determining the boundaries of the divisions. The
13 district board shall conduct at least one public workshop in each
14 county within the south coast district, and shall conduct two public
15 hearings anywhere within the south coast district, before adopting
16 division boundaries pursuant to this section.

17 SEC. 4. Section 40421.5 of the Health and Safety Code is
18 amended to read:

19 40421.5. (a) For the purpose of complying with Section 50271
20 of the Government Code, each mayor shall designate a member
21 of the city's legislative body to attend and vote in his or her place
22 and as his or her representative if the mayor is unable to attend
23 any meeting of the city selection committee to be held pursuant
24 to this article. If a mayor does not make this designation within
25 10 days preceding a meeting of the city selection committee, the
26 legislative body shall designate one of its own members to
27 represent the city.

28 (b) *This section shall become inoperative on December 4, 2012,*
29 *and, as of January 1, 2013, is repealed, unless a later enacted*
30 *statute, that becomes operative on or before January 1, 2013,*
31 *deletes or extends the dates on which it becomes inoperative and*
32 *is repealed.*

33 SEC. 5. Section 40422 of the Health and Safety Code is
34 amended to read:

35 40422. (a) The term of each member of the south coast district
36 board shall be four years and until his or her successor is appointed.
37 Upon the expiration of his or her term, a member who is a mayor
38 from the County of Orange or a member of a city council from the
39 County of Orange may be reappointed, in accordance with
40 subdivision (f) of Section 40420, within 60 days, and the office

1 shall become vacant if the member is not so reappointed within
2 60 days. Any vacancy on the south coast district board shall be
3 filled within 60 days of its occurrence by its appointing authority.

4 (b) The members first appointed to the board shall classify
5 themselves by lot so that the terms of four members expire January
6 15, 1990, the terms of four members expire January 15, 1991, and
7 the terms of three members expire January 15, 1992.

8 (c) Notwithstanding subdivision (a), no member of a board of
9 supervisors, mayor, or member of a city council shall hold office
10 on the south coast district board for more than 60 days after ceasing
11 to be supervisor, mayor, or member of the city council,
12 respectively, and the membership on the board held by that person
13 terminates upon the expiration of that 60-day period. However,
14 any mayor who immediately resumes the office of member of the
15 city council, and any member of a city council who becomes
16 mayor, has not ceased to hold office for the purposes of this
17 subdivision.

18 (d) Any member who does not attend three consecutive meetings
19 of the south coast district board without good and sufficient cause
20 therefor, shall be removed by the appointing authority. Any
21 member who does not attend three consecutive meetings of the
22 south coast district board, without good and sufficient cause
23 therefor, and is not thereupon removed by the appointing authority,
24 may be removed by the affirmative vote of at least eight members
25 of the south coast district board.

26 (e) *This section shall become inoperative on December 4, 2012,*
27 *and, as of January 1, 2013, is repealed, unless a later enacted*
28 *statute, that becomes operative on or before January 1, 2013,*
29 *deletes or extends the dates on which it becomes inoperative and*
30 *is repealed.*

31 SEC. 6. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.